



LAND USE SERVICES DEPARTMENT

PLANNING STAFF REPORT



HEARING DATE: December 7, 2006

AGENDA ITEM NO: 4

Project Description

Applicant: Land Use Services Department
Proposal: General Plan Update project to include: an update of the County General Plan goals, policies and maps (including associated land use district changes); the establishment of 13 community plans; and a complete revision to Title 8 of the San Bernardino County Code (the Development Code).
Index: CW1-849N
CATS: 00243CQ0
Community: Countywide
Location: Countywide
Staff: Randy Scott

Background

Over the past three and a half months, the Planning Commission has conducted six public hearings to consider the various aspects of the General Plan Update Program (GPU). Each hearing was continued to the next scheduled hearing for consideration of a different portion of the program. Today's hearing represents the seventh public hearing and will consider the program as a whole, including the Program Environmental Impact Report (EIR) that has been prepared for update project.

An Initial Study was prepared for the General Plan Update project. On the basis of the initial determination, it was determined that the proposed GPU may have a significant effect on the environment, and that an EIR would be prepared.

The County conducted three public scoping meetings in October of 2005 prior to the preparation of the EIR. Meetings were held in Yucca Valley, San Bernardino and in Victorville to solicit public input relative to issues that the public felt should be addressed in the Draft Program EIR.

The Notice of Preparation (NOP) for the EIR was released on October 5, 2006. The County is the Lead Agency for the preparation of the EIR, in accordance with the California Environmental Quality Act (CEQA), for the Update Program. The Program consists of the General Plan, the preparation of the 13 community plans and the update of the County's Development Code. The update of the General Plan, the community plans and the Development Code is the proposed project. The project description, location and the potential environmental effects were described in the NOP.

A Notice of Availability (NOA)/Notice of Completion (NOC) was released on September 1, 2006, notifying the public that the draft EIR was available for public review during a 45-day comment period. A compact disc (CD), which included all of the GPU documentation (General Plan, Development Code, 13 Community Plans, Draft Program EIR and appendices, Background Reports and the General Plan Maps) were distributed for public review and comment. Approximately 2,100 copies of the CD were mailed to federal, state and local government

Action taken by the Planning Commission on this item may be appealed to the Board. Yes ☐ No ☒
Note: Recommendations to the Board of Supervisors are not appealable.

agencies, school districts, municipal advisory councils, chambers of commerce, Indian tribal councils, as well as any individual who requested the CD. Additionally, all of the GPU documentation was placed on the County web site. For anyone who does not have Internet access available to them, the County Library's computers can be used free of charge to access the County's web site at all of the County's 32 libraries. Hard copies of the documents were also available for review at the Regional Offices of the Land Use Services Department, which includes offices in San Bernardino, Victorville, Yucca Valley, Twin Peaks and Big Bear.

❖ ENVIRONMENTAL IMPACT REPORT:

As part of the GPU, a Program Environmental Impact Report (EIR) was prepared, in accordance with the California Environmental Impact Report (CEQA). The EIR evaluates the broad-scale impacts of the proposed GPU with all of its components. Although the legally required contents of a Program EIR are the same as those of a Project EIR, in practice there are considerable differences in level of detail. Program EIR's are typically more conceptual and abstract. They contain a more general discussion of impacts, alternatives, and mitigation measures. In accordance with the CEQA Guidelines, the mitigation measures proposed are feasible and are roughly proportional to the impacts of implementing the General Plan. The Governor's Office of Planning and Research (OPR) describes Program EIRs as follows: (General Plan Guidelines (1998), p. 108)

"The Program EIR prepared for a general plan examines broad policy alternatives, considers the cumulative effects and alternatives to later individual activities, where known, and contains plan level mitigation measures. Later activities, which have been adequately described under the program EIR, will not require additional environmental documents. When necessary, new environmental documents such as a subsequent or supplemental EIR or negative declaration will focus on the project-specific impacts of later activities, filling in the information and analysis missing from the program EIR."

The reason for this approach is that the project consists of a General Plan for the entire County, 13 Community Plans and a complete Development Code Update, not a specific development proposal. Consequently, the Draft EIR is a Program EIR addressing the impacts of the GPU as a whole, rather than a project-specific EIR. Additional environmental review will be performed in connection with specific development proposals as they come forward, which the General Plan does not specifically address. Rather, the General Plan establishes an overall policy framework the County will use as a means of evaluating such proposals.

CEQA provides that the programmatic environmental analysis for such large-scale planning efforts differs from the sort of environmental analysis performed about a specific development project. According to the CEQA Guidelines, "[a] program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) Geographically, (2) A logical parts in the chain of contemplated actions, (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways." (CEQA Guidelines, § 15168, subdivision (a)).

A program EIR focuses on the broad policy implications of implementing the plan as a whole. It is neither feasible nor necessary for an EIR of this sort to specify with precision exactly how a particular policy or mitigation measure will be applied to a particular development project. What is necessary, however, is to devise policies and mitigation measures representing a genuine commitment to a performance standard, such that the impact of the plan will be avoided or lessened, to the extent it is feasible to do so.

The Executive Summary of the Draft Program EIR contains Table I-1, I-2 and I-3 at pages I-3 through I-26. Table I-1 summarizes the impacts (pages I-3 to I-18) found to be mitigated below a level of significance. Table I-2 (pages I-19 to I-25) summarizes the impacts found to be significant and unavoidable, and Table I-3 (page I-26) lists one impact found not to be significant requiring no mitigation. The table below is a condensed version of the Executive Summary that displays the environmental categories that were addressed in the EIR, the various impacts that were described and the conclusion regarding the level of impact. Seventy-six discrete impacts were analyzed, of those, 56 were found to be mitigated to less than significant, 1 was found to be non-significant and 19 were determined to be significant and unavoidable.

Impacts Categories	Mitigated to Less than Significant	Significant Unavoidable
Aesthetics		AES-1, AES-2, AES-3
Agricultural Resources		AG-1, AG-2,
Air Quality		AQ-1, AQ-2, AQ-3
Biological Resources	BIO-4, BIO-5, BIO-6, BIO-7, BIO-10, BIO-11, BIO-12, BIO-15, BIO-17, BIO-18	BIO-1, BIO-2, BIO-3, BIO-8, BIO-9, BIO-13, BIO-14, BIO-16
Cultural and Paleontological Resources	CR-1	
Geology and Soils	GEO-1, GEO-2, GEO-3	
Hazards and Hazardous Materials	HAZ-1, HAZ-2, HAZ-3, HAZ-5	HAZ-6
Hydrology, Flood Hazards and Water Quality	HWQ-1, HWQ-2, HWQ-3	
Land Use and Planning	LU-1, LU-2, LU-3,	
Mineral Resources	MR-1, MR-2	
Noise	N-1, N-2, N-3	
Population and Housing	PH-1, PH-2	
Public Services	PS-1, PS-2, PS-3, PS-4, PS-5	
Public Utilities Systems	UT-1, UT-2, UT-3, UT-4, UT-5, UT-6, UT-7, UT-8, UT-9, UT-10	
Recreation	REC-1, REC-2, REC-3	
Transportation/Traffic	TR-1, TR-4, TR-5, TR-6, TR-7, TR-8,	TR-2, TR-3

A description of the impacts that were found to be significant and unavoidable in spite of applied mitigation is provided below:

❖ COMMENTS ON THE DRAFT PROGRAM EIR

The County received 19 comment letters from federal, state and local government agencies, as well as from a variety of environmental organizations and several individual County residents. Comments from agencies and organizations include the following:

- Federal agencies include the U.S. Navy, Bureau of Land Management, U.S. Forest Service, and the National Park Service.
- State agencies include the Native American Heritage Commission, Governor's Office of Planning and Research/State Clearinghouse, the Department of Fish and Game, the Department of Justice and the State Water Quality Control Board - Santa Ana Region.
- Local governmental entities include the City of Fontana and the San Manuel Band of Mission Indians
- Environmental organizations include the Wilderness Society, the Sierra Club, the San Bernardino Valley Audubon Society, the Friends of Fawnskin, and the Center for Biological Diversity.

Within the 19 comment letters, there were 384 individual comments on the Draft Program EIR. Some comments contained multiple topics, resulting in approximately 456 comment points that are being responded to in the Final Program EIR. The table below displays the number of comment topics received according to environmental issue.

13	Aesthetics/Visual	34	Land Use	10	Alternatives
1	Agricultural	1	Minerals	2	Cumulative Impacts
43	Air Quality	1	Noise	14	Mitigation Monitoring
14	Archeological/Historical	1	Population/Housing	12	CEQA Process
167	Biological Resources	18	Recreation/Parks	6	Agency Coordination
3	Drainage/Absorption	5	Sewer Capacity		
4	Economics/Jobs	2	Soil Erosion/ Compaction/Grading		
1	Flood Plain/Flooding	1	Solid Waste		
41	Wildfire Hazard/ Evacuation Routes	29	Traffic/Circulation		
3	Geologic/Seismic	1	Toxic/Hazards		
5	Growth Inducement	24	Water Supply/Groundwater		

Approximately 75% (338 comment topics) of all comments received on the Draft Program EIR addressed six topical issues as indicated in the table above. The table reveals that the six topics that received the most comments in descending order are: biological resources; air quality; wildfire hazard/evacuation routes; land use; traffic/circulation; and water supply/groundwater. The numbers of individual comments addressing biological issues were nearly equal to the total comments of the next five highest topics. Although comments were not tracked by geographic context, roughly 50% can be attributed to issues within the Mountain Region of the County. A listing of the comment letters and the number of comments per letter are included as an attachment.

The following is a summary of the main points of concern with regards to the topical issues receiving the most comments:

Biological Resources: Several comments asserted that Biologic Resources and Open Space Overlays were not current and were incomplete due to lack of recognition of sensitive species habitats and wildlife corridors; comments also indicated that, due to the status of the Overlays, the impacts were not adequately assessed; several comments addressed the need for Habitat Conservation Plans to protect biodiversity and that the County was not doing enough to conserve and protect sensitive and threatened and endangered species.

Air Quality: Greenhouse gas emissions and its relationship to global warming were cited by the State Attorney General's Office and the Center for Biological Diversity as major omissions in the analysis and called for new analysis and recirculation; other comments addressed increased air pollution from increased vehicle emissions and inadequate mitigation to reduce future increases due to growth and development; other commenter felt that there is inadequate mitigation for fugitive dust and PM10.

Wildfire Hazard/Evacuation Routes: Several commenters cited inadequate fire safe development requirements; several commenter believed that there is inadequate analysis of evacuation route and disclosure and that the routes have insufficient capacity to safely evacuate mountain residents, particularly in light of projected growth;

Land Use: In adequate growth controls; growth and development adjacent to open space and public lands such as the National Forest are not sufficient to protect those resource lands; not sufficient limits on development in environmentally sensitive areas;

Traffic/Circulation: Many of the comments on traffic and circulation overlapped with evacuation route issues in that a deficient mountain road system cannot adequately accommodate the volume of traffic anticipated for major emergency evacuations; other traffic comments cited traffic congestion and the impacts of future development; in the mountain region, concerns also cited inadequate analysis of the road impacts anticipated from future growth in light of the topographic constraints that limit road widening to accommodate additional traffic volumes

Water Supply/Groundwater: It was suggested that stormwater impacts and references to regulations and existing plans and permits were incomplete in their description; groundwater was not adequately recognized for its value to biologic resources and the need for protection for riparian/wetland habitat was not adequately addressed; water quality impacts were not as specific as they should be, i.e. impaired waters were not recognized; ephemeral and perennial streams are not adequately protected; some commenter believed that the County should rely on Urban Water Management Plans and other State Water Project supply sources as assurance for adequate future water supply to the needs of projected growth.

❖ FINAL PROGRAM EIR

The CEQA Guidelines at Section 15089 identify the requirements for the preparation of a Final EIR. Those are as follows:

- (a) The Lead Agency shall prepare a final EIR before approving the project. The contents of a final EIR are specified in Section 15132 of the Guidelines.
- (b) Lead Agencies may provide an opportunity for review of the final EIR by the public or by commenting agencies before approving the project. The review of a final EIR should focus on the responses to comments on the draft EIR.

Additionally, Public Resources Code Section 21092.5 requires the lead agency to provide a written proposed response to each **public agency** (emphasis added) that commented on the EIR. The proposed response must be provided to the pertinent public agency 10 days prior to the lead agency's certification of the final EIR.

The contents of Final Environmental Impact Report are described in Section 15132 as follows:

The Final EIR shall consist of:

- (a) The draft EIR or a revision of the draft.
- (b) Comments and recommendations received on the draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.

The Final Program EIR will appear as a complete reissued and revised text of the Draft Program EIR, along with a copy of the original comment letters and responses to each comment, revisions to text and addition of mitigation measures and other support material as other appendices. **At the time of the preparation of this report, the Final Program EIR has not been completed and distributed.**

Recommendation

CONTINUE the hearing on the General Plan Update.

Attachment

1. [List of Responses to Draft Program Environmental Impact Report](#)
2. [General Plan Text Cleanup Changes](#)
3. [Development Code Cleanup Changes](#)